



City of Seattle

Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 3011579
Applicant Name: Brian Dixon
Address of Proposal: 500 12th Avenue

SUMMARY OF PROPOSED ACTION

Land Use Application to allow excavation of 4,000 cubic yards of soil for remediation. Project includes 1,500 cubic yards of re-grading to level site.

The following approval is required:

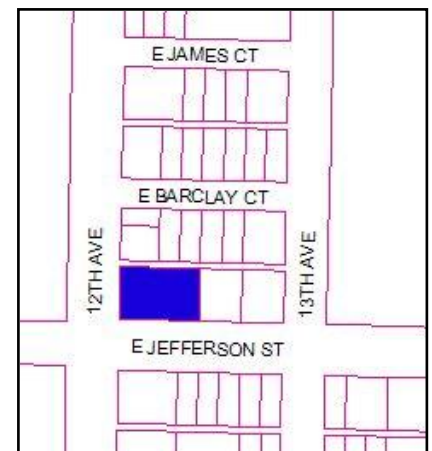
SEPA – Environmental Determination- Chapter 23.05 Seattle Municipal Code

SEPA DETERMINATION: ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS
☒ DNS with conditions
☐ DNS involving non-exempt grading or demolition or
involving another agency with jurisdiction.

BACKGROUND DATA

Site & Area Description

The subject site is located at the corner of 12th Avenue to the west and East Jefferson Street to the south. An alley borders the site to the north. The 9,799 SF rectangular shaped site is comprised of several lots, containing a surface parking lot with 122 feet of frontage on Broadway and 80 feet along East Jefferson Street. The site slopes gently to the southeast, with an elevation change of about six feet. No portion of the site is designated as an Environmentally Critical Area on City maps. The site is currently vacant. The site has been identified as a brownfield with soil contamination created by a gas station that previously operated on the site.



The site is located within the Seattle University (SU) Major Institutional Overlay (MIO). The site lies within a Pedestrian (P) zone as well as the 12th Avenue Urban Center Village Overlay. As the proposal is not related to SU, the project is therefore subject to use and development standards of the underlying zone: Neighborhood Commercial 2 – 40 with a pedestrian overlay. A separate application for a Contract Rezone on the site from Neighborhood Commercial 2 – 40 to Neighborhood Commercial 2 with a 65-foot height limit (NC2P-65') is being reviewed under Master Use Permit Application No. 3009796.

Proposal

The land use proposal consists of excavating approximately 4,000 cubic yards of contaminated and clean soil in order to prepare the site for future development. The consultant estimates that 4,000 cubic yards of contaminated soil will be removed from the subject property and approximately 1,500 cubic yards of soil will be used to re-grade the site. The contaminated area is focused in the southwestern area of the site.

Three underground storage tanks (USTs) below the corner parcel are to be removed, as well as the excavation of contaminated soil that is present beneath 4,800 sq. ft of the site. The remedial excavation will extend to an approximate depth of 18 feet below grade. The excavated area will be stabilized with an engineered shoring wall on the western and southern property lines to support the right-of-way. The excavated soil will be hauled off site and disposed of at a disposal facility. Imported clean soil will be used to backfill the excavation to a depth of 11 feet.

Public Comment:

One comment letters was received from the public during the comment period, which ended on September 22, 2010, that questioned what future use and construction of the site.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant, dated August 11, 2010 and annotated by the Land Use Planner. The information in the checklist, the supplemental information submitted by the applicant and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part, "Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" subject to some limitations. Under such limitations/circumstances (SMC 25.05.665) mitigation can be considered.

Short-term Impacts

Construction activities could result in the following adverse impacts: construction dust and storm water runoff, erosion, emissions from construction machinery and vehicles, increased particulate levels, increased noise levels, occasional disruption of adjacent vehicular and pedestrian traffic, and a small increase in traffic and parking impacts due to construction

workers' vehicles. Existing City codes and ordinances applicable to the project such as: The Storm-water Grading and Drainage Control Code, the Street Use Ordinance, and the Building Code, would mitigate several excavation-related impacts. Following is an analysis of the air, water quality, streets, parking, and construction-related noise impacts as well as mitigation.

Air Quality

Excavation activities are expected to temporarily add particulates to the air and will result in a slight increase in auto-generated air contaminants from construction worker vehicles; however, this increase is not anticipated to be significant. Federal auto emission controls are the primary means of mitigating air quality impacts from motor vehicles as stated in the Air Quality Policy (Section 25.05.675 SMC). No unusual circumstances exist, which warrant additional mitigation, per the SEPA Overview Policy.

Noise

The development site is located adjacent to a residential area where construction of this scale would impact the noise levels. The SEPA Noise Policy (Section 25.05.675B SMC) lists mitigation measures for construction noise impacts. It is the department's conclusion that limiting hours of excavation beyond the requirements of the Noise Ordinance is necessary to mitigate impacts that would result from the proposal on surrounding properties, because existing City ordinances do not adequately mitigate such impacts. This is due to the density of residential units in the area and the proximity of these structures to the subject site. The proposal is, therefore, conditioned to limit excavation activity to non-holiday weekday hours between 7:00 A.M. and 6:00 P.M. The Department may modify this condition to allow work of an emergency nature or which cannot otherwise be accomplished during these hours by prior written approval of the Land Use Planner.

Grading

The maximum depth of the excavation is approximately 18 feet and will consist of approximately 4,000 cubic yards of material. The soil removed will not be reused on the site and will need to be disposed off-site by trucks. City code (SMC 11.74) provides that material hauled in trucks not be spilled during transport. The City requires that a minimum of one foot of "freeboard" (area from level of material to the top of the truck container) be provided in loaded uncovered trucks which minimize the amount of spilled material and dust from the truck bed enroute to or from a site. No further conditioning of the grading/excavation element of the project is warranted pursuant to SEPA policies.

Traffic and Parking

The construction of the project also will have adverse impacts on both vehicular and pedestrian traffic in the vicinity of the project site. During construction, a temporary increase in traffic volumes to the site will occur, due to travel to the site by excavation workers and the transport of construction materials. Approximately 4,000 cubic yards of soil are expected to be excavated from the project site. The soil removed for excavation will not be reused on the site and will need to be disposed off-site. Excavation and fill activity will require approximately 400 round trips with 10-yard hauling trucks or 20 round trips with 20-yard hauling trucks. Considering the

large volumes of truck trips anticipated during construction, it is reasonable that truck traffic avoid the afternoon peak hours. Large (greater than two-axle) trucks will be prohibited from entering or exiting the site between 4:00 and 6:00 PM. Compliance with Seattle's Street Use Ordinance is expected to mitigate any additional adverse impacts to traffic which would be generated during construction of this proposal.

The Street Use Ordinance also includes regulations that mitigate dust, and mud. Temporary closure of sidewalks and/or traffic lane(s) would be adequately controlled with a street use permit through the Transportation Department, and no further SEPA conditioning would be needed.

Long-term Impacts

Long-term or use-related impacts are anticipated from the proposal include loss of vegetation.

Construction impacts including construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves result in increase in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant.

These long-term impacts are not considered significant because the impacts are minor in scope.

CONCLUSION - SEPA

In conclusion, several adverse effects on the environment are anticipated resulting from the proposal, which are non-significant. The conditions imposed below are intended to mitigate specific impacts identified in the foregoing analysis, or to control impacts not regulated by codes or ordinances, per adopted City policies.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of DPD as the lead agency of the completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment with respect to transportation, circulation, parking. An EIS limited in scope to this specific area of the environment was therefore required under RCW 43.21C.030(2)(C).

SEPA CONDITIONS

Prior to Issuance of a Demolition, Grading, or Building Permit

1. Large trucks (greater than two-axle) shall be prohibited from entering or exiting the site between 4:00 and 6:00 p.m.

During Excavation

The following condition(s) to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other weatherproofing material and shall remain in place for the duration of construction.

2. In order to further mitigate the noise impacts during excavation, the owner(s) and/or responsible party(s) shall limit the hour of excavation to non-holiday weekdays between 7:00 AM and 6:00 PM and Saturdays between 9:00 AM and 6:00 PM. This condition may be modified by the Department to permit work of an emergency nature after approval from the Land Use Planner.

Signature: (signature on file)
Lisa Rutzick, Senior Land Use Planner
Department of Planning and Development

Date: September 23, 2010